



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) .No.13207 of 2019

and

Crl.M.P. (MD) No.8106 of 2019

C.Muthuselvem

... Petitioner

Vs.

1.The Inspector of Police
Town North Police Station,
Dindhugal District.
(Crime No.1082 of 2018)

2. Lr.Senthil Kumar

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records relating to Cr.No.1082/2018 dated 18/12/2018 on the file of the 1st Respondent police and quash the same.

For Petitioner : Mr.S.Moorthy

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

The Criminal Original Petition has been filed to quash the F.I.R. in Crime No.1082 of 2018 on the file of the first respondent.

2.The learned counsel for the petitioner would submit that the occurrence took place on 14.11.2018 and the petitioner was attacked by the defacto complainant and as such he lodged a complaint and the same was registered in Crime No.1081 of 2019 in which the defacto complainant is arrayed as A1. Thereafter, a false case has been foisted against the petitioner by the second respondent / defacto complainant and the first respondent, without even conducting any enquiry, had registered a case in Crime No. 1082 of 2014. Even according to the case of the prosecution the said occurrence took place on 14.11.2018 and the case has been registered on 18.12.2018 and there is no explanation for the delay in lodging the complaint. Hence he prayed to quash the same.

3.The learned Government Advocate (Crl.Side) would submit that there is a counter case registered in Crime No.1081 of 2019, in which, the petitioner is the complainant and the defacto complainant



is the first accused in that complaint. He would further submit that investigation in both the crime (Crime Nos.1081 and 1082 of 2019) is almost completed and the respondent police have to file final report.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

5.It is also seen from the First Information Report that there is a specific allegation as against the petitioner, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Further, it cannot be quashed in the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such this Court cannot interfere with the investigation. The investigating machinery has to step in to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

6.That apart now there is a counter case has also been lodged by the petitioner and the same was registered in Crime No. 1081 of 2019 and the second respondent is the accused in that Crime Number. Now the first respondent has completed the investigation and about to file final report. Therefore, at this stage, this petition cannot be entertained. However the first respondent police is directed to follow the police standing order for the case in counter and file a final report before the concerned Court within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Inspector of Police

Town North Police Station, Dindhugal District.

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

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23.09.2019

SE (CO)

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